

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO**

In re:)	Case No. 14-12027
David Phillips)	
Tiffany Phillips)	Chapter 13
)	
Debtors.)	Judge Arthur I. Harris
)	

**MOTION TO AVOID MORTGAGE LIEN OF
UNITED STATES SMALL BUSINESS ADMINISTRATION**

Now come Debtors, by and through undersigned counsel, and request this Court for an order avoiding the mortgage lien of the United States Small Business Administration. ("SBA"). SBA holds the mortgage lien on the real property located at 762 Mentor Avenue, Unit 18, Painesville, Ohio 44077, which was filed as Instrument No. 2007R023588 on 7/6/2007 with the Lake County Recorder. Debtor's petition valued the real property at \$23,000. The Lake County Treasurer held a statutory lien in the amount of \$4,628.73, leaving only \$18,371.27 in equity in the property.

Debtors' confirmed chapter 13 plan valued the SBA mortgage at \$18,430.00 with the balance to be paid as unsecured. No objections relating to the value/treatment of the SBA mortgage had been filed, the plan was confirmed and has now been completed.

SBA is bound by the terms of the chapter 13 plan and confirmation order. As the creditor was paid pursuant to the plan, the remaining lien is unsecured and should be avoided.

Wherefore, Debtors request this Honorable Court issue an order avoiding the mortgage lien of the US Small Business Administration.

Respectfully submitted,

Date: January 14, 2019

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CERTIFICATE OF SERVICE

I certify that on the 14th day of January 2019, a true and correct copy of the foregoing was served:

Via the court's Electronic Case Filing System on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

Lauren A. Helbling, on behalf of the Chapter 13 Trustee's office at ch13trustee@ch13cleve.com,
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Kimberly L. Strauss, Esq. on behalf of the Westwood Village Townhouse Condominium Association, at bankrutpcy2@kamancus.com

And by regular U.S. Mail, postage prepaid, on:

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